

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney

3 MIRANDA KANE (CABN 150630)  
4 Chief, Criminal Division

5 KYLE F. WALDINGER (ILBN 6238304)  
6 Assistant United States Attorney

7 450 Golden Gate Avenue, 11<sup>th</sup> Floor  
8 San Francisco, California 94102  
9 Telephone: (415) 436-6830  
10 Facsimile: (415) 436-7234  
11 E-mail: kyle.waldinger@usdoj.gov

12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA, ) No. CR 07-0337 EMC  
17 Plaintiff, )  
18 v. ) PARTIES' JOINT REQUEST TO CONTINUE  
19 JACQUELINE FROEHLICH- ) STATUS HEARING AND [PROPOSED]  
20 L'HEUREAUX, ) ORDER  
21 Defendant. )  
22 \_\_\_\_\_ )

23 It is hereby stipulated by and between counsel for the United States, Assistant U.S.  
24 Attorney Kyle F. Waldinger, and counsel for defendant Jacqueline Froehlich-L'Heureaux, Leland  
25 B. Altschuler, that, subject to the Court's approval, the status hearing presently set for September  
26 5, 2012, be continued and set for a status hearing on January 23, 2013, at 2:30 p.m. The United  
27 States has learned from the Court's publicly posted availability information that the Court is  
28 available on that date.

29 The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement  
30 on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer,  
31 exceed authorized access to a protected computer, and traffic in a password allowing  
32 unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was  
33 referred to the Probation Office for a presentence report. The plea agreement also includes

34 JOINT REQ. & [PROPOSED] ORDER  
35 CR 07-0337 EMC

1 standard terms of cooperation.

2 In light of continuing cooperation under the terms of the plea agreement, the parties  
3 jointly request that the status hearing on September 5, 2012, be continued for a status hearing on  
4 January 23, 2013, at 2:30 p.m. Additional time is needed for the defendant to complete her  
5 cooperation with the government, and, accordingly, this matter is not yet ready to proceed to  
6 sentencing. Specifically, charges have been filed against an alleged co-conspirator of the  
7 defendant, David Nosal. The Nosal case is numbered CR 08-0237 EMC. The Nosal case has  
8 been on appeal. Earlier this month, the mandate of the Ninth Circuit issued, and the parties in the  
9 Nosal case are scheduled to appear for a status conference on August 29, 2012. The United  
10 States anticipates that a trial date will be set at that time, or shortly thereafter. The defendant  
11 Froehlich-L'Heureaux is expected to testify in that trial. Because Ms. Froehlich-L'Heureaux will  
12 be required to testify at trial, her cooperation with the government's investigation is not yet  
13 complete.

14 For all of these reasons, the parties jointly request that this Court vacate the status hearing  
15 presently set for September 5, 2012, and set a status hearing for January 23, 2013, at 2:30 p.m.  
16 SO STIPULATED.

17 Dated: August 13, 2012

MELINDA HAAG  
United States Attorney

19  
20 /s/  
21 KYLE F. WALDINGER  
Assistant United States Attorney

22 SO STIPULATED.

23 Dated: August 13, 2012

/s/  
24 LELAND B. ALTSCHULER  
Attorney for defendant Froehlich-L'Heureaux

26 **[PROPOSED] ORDER**

27 GOOD CAUSE APPEARING,

28 IT IS ORDERED that the sentencing hearing presently set for September 5, 2012, be

JOINT REQ. & [PROPOSED] ORDER  
CR 07-0337 EMC

1 continued to January 23, 2013, at 2:30 p.m.

2 Dated this 13<sup>th</sup> day of August, 2012

